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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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WM01/1010

EXAMINER

NGUYEN, T

ART UNIT

PAPER NUMBER

2663

DATE MAILED:

10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/087,496

Applicant(s)

Jan E. FORSLOW

Examiner

Toan Nguyen

Art Unit

2663



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 31, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 49-121 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49-52, 54-63, 66-75, 77, 78, 80-83, 85-93, 95-100, 102-107, 110-116, and is/are rejected.
- 7) ☒ Claim(s) 53, 64, 65, 76, 79, 84, 94, 101, 108, 109, 117, and 118 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 20) ☐ Other: \_\_\_\_\_

Application/Control Number: 09/087,496

Art Unit: 2663

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 49, 56, 66, 67, 69, 77, 80, 86, 94, 95, 97, 104, 110, and 115 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 49 lines 7 and 13, "using radio resources from the pool" renders the claim vague since its exact meaning is ambiguous. Similar problem exists in claim 66 lines 8 and 14, claim 77 line 8, claim 80 lines 7 and 14, claim 97 lines 9 and 15, claim 110 line 9 and 15, and claim 115 line 7.

In claim 56 line 2, "the session each quality of service class" has no antecedent basis.

In claim 67 line 3, "the defined quality of service class" has no antecedent basis.

In claim 69 line 4, "the area" has no antecedent basis.

In claim 86 line 6, "the packet node" has no antecedent basis.

In claim 94 line 7, "the same geographic area" has no antecedent basis.

In claim 95 line 9, "the radio network reservation of radio resource from the pool" renders the claim vague since its exact meaning is ambiguous.

In claim 104 line 1, "a" should be deleted.

In claim 115 line 12, "the same quality of service destined" has no antecedent basis.

Claims 50-65, 67-76, 78-79, 81-94, 96, 98-109, 111-114, and 116-121 are rejected since

they are dependent from base claims.

***Claim Rejections - 35 U.S.C. § 102***

2. The following is a quotation of the appropriate paragraphs of U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless--

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country more than one year prior to the date of the application for patent in the United States.

Claims 49-52, 54-63, 66-75, 77-78, 80-83, 85-93, 95-100, 102-107, 110-116, and 119-121 are rejected under U.S.C. 102(b) as being anticipated by Dupont (U.S. Patent 5,729,542).

For claims 49-51, 55-59, 77, 80-82, 87-89, 97-99, 103-104, and 115, Dupont discloses method and apparatus for communication system access, comprising:

establishing a packet session over the radio interface for the mobile radio terminal using radio resources from the pool during which plural application flows are communicated with an external network entity, each application flow having a corresponding stream of packets (see figure 1, col. 2 lines 42-48);

defining a corresponding quality of service parameter for each of the plural application flows such that different quality of service parameters may be defined for different ones of the application flows (col. 2 lines 44-48).

determining whether radio resources from the pool are available to support the quality of service parameters defined for each of the plural application flows (see figure 4, col. 2 lines 48-59,

and col. 6 lines 12-18). Dupont discloses further in claim 80, radio communication resources from the pool are reservable to support the two data packet streams with different quality of service classes (col. 4 lines 30-40).

For claims 52, 83 and 100, Dupont discloses different qualities of service have different allocated bandwidths, delays, or reliability (col. 4 lines 40-47, and col. 6 lines 18-20).

For claims 54, 85 and 102, Dupont discloses a quality of service includes a delay class that specifies one or more of the following: a maximum packet transfer rate, a mean packet transfer rate, and a packet burst size of an application flow (col. 6 lines 20-23).

For claims 60-62, and 105-106, Dupont discloses the gateway node functions as a dynamic host configuration agent serving the mobile radio terminal as a client relaying packets between the mobile radio terminal and the external network entity (see figure 1, col. 3 lines 16-22).

For claims 63 and 107, Dupont discloses further establishing a data communication tunnel corresponding to the network layer bearer between the gateway node and the mobile radio terminal, and establishing a relationship in the gateway node between a mobile radio terminal's identifier, the established tunnel, and the packet layer address for the mobile radio terminal for the established session (see figure 2, col. 3 lines 35-42).

For claims 66, 68-69, 72-75, 91-93, 95-96, 110, 112-114, and 119-120, Dupont discloses method and apparatus for communication system access, comprising:

establishing a packet session for the mobile radio host over the radio interface using radio resources from the pool during which plural application flows are communicated between the mobile host and an external network entity, each application flow having a corresponding stream

of packets (see figure 1, col. 2 lines 42-48);

making a reservation request for a particular quality of service for an individual application flow associated with the packet session (see figure 2, col. 3 lines 47-50);

determining whether the reservation request can be met with radio resources from the pool (col. 3 lines 51-56); and

if so, establishing a logical bearer between the mobile radio host and the gateway node bear plural one of the individual application flows having different corresponding quality of service (col. 3 lines 56-61).

For claims 67, 70-71, 90, 111 and 121, Dupont discloses classifying and scheduling packets corresponding to said each application flow from the external network to the mobile host over the bearer in accordance with the defined quality of service class corresponding to the application packet stream (see figure 4-6, col. 3 lines 62 to col. 4 line 47).

For claims 78 and 116, Dupont discloses the merging is performed using first in first out scheduling except when packets can not be delivered within a specified time (col. 4 lines 54-56, and col. 5 lines 57-60).

For claim 86, Dupont discloses a database node that stores subscription information for the mobile radio terminal (col. 3 lines 16-27).

### ***Objection To Claims, Allowable Subject Matter***

3. Claims 53, 64-65, 76, 79, 84, 94, 101, 108-109, and 117-118 are objected to as dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all

of the information of the base claims and any intervening claims.

*Response to Arguments*

4. Applicant's arguments filed on July 31, 2001 have been fully considered, but are moot in view of new ground(s) of rejection.

*Contact Information*

5. Any response to this action should be mailed to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231
6. Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).
7. Any inquiry concerning this communication or early communications should be directed to Toan Nguyen whose telephone number is (703) 305-0140. He can be reached Monday through Friday from 7:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chau Nguyen, can be reached at (703) 308-5340. The fax phone number for this Group is (703)-872-9314.

Any inquiry of a general nature or relating to the status of this application should be direct to the Group receptionist whose telephone number is (703) 305-9600.

TN

T.N.

DANG TON  
PRIMARY EXAMINER